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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA,) No. CR 07-00645 MMC
15 Plaintiff,) UNITED STATES' NOTICE OF AUTHORITY
16 v.) REGARDING MAXIMUM TERM OF
17 RONALD WILLIAMS, et al.) SUPERVISED RELEASE UNDER 21 U.S.C.
18 Defendants.) § 841

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20 During the recent change of plea colloquies of defendants Caesar Ramirez-Chavira and
21 Erika Manzo, a question arose regarding the maximum term of supervised release that can be
22 imposed when a defendant is convicted of a drug trafficking offense under 21 U.S.C. §
23 841(a)(1). Because the United States anticipates that this issue will be presented in the future as
24 additional guilty pleas are entered by the defendants in this case, the United States brings to the
25 Court's attention the following authority in support of its position that the maximum term of
26 supervised release for a defendant convicted under 21 U.S.C. § 841(a)(1) and (b)(1)(C),
27 (b)(1)(B), or (b)(1)(A) is life.

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In *United States v. Ross*, the Ninth Circuit held that the length of the term of supervised release imposed by the district court was not unlawful because “Ross’s five-year term falls well below 21 U.S.C. § 841(b)(1)(C)’s statutorily prescribed maximum (life).” 338 F.3d 1054, 1057 (9th Cir. 2003).

In *United States v. Garcia*, the Ninth Circuit adopted “as the law of this Circuit,” the Second Circuit’s holding in *United States v. Eng*, 14 F.3d 165 (2d Cir. 1994), that the statutory provisions for supervised released set forth in 21 U.S.C. § 841 “override the maximums set by 18 U.S.C. § 3853(b).” 112 F.3d 395, 398 (9th Cir. 1997).

In *United States v. Eng*, the Second Circuit upheld the district court's imposition of a life term of supervised release for a defendant convicted of violating 21 U.S.C. §§ 841(a)(1) and (b)(1)(A). 14 F.3d 165, 713 (2d Cir. 1994).

In *United States v. Shorty*, the Seventh Circuit held that the maximum term of supervised release under 21 U.S.C. § 841(b)(1)(C) is life, and noted that “[a] majority of circuits have held that the ‘at least 3 years’ language establishes a minimum, not a maximum amount of time, even when read in light of 18 U.S.C. § 3583(b), which, for Class C and D felonies authorizes a maximum of three years for supervised release, because the latter provision is modified by the phrase ‘except as otherwise provided.’” 159 F.3d 312, 315 & n.6 (7th Cir. 1998) (citing its agreement with cases from the Second, Sixth, Eighth, Ninth, and Tenth Circuits, but noting disagreement by the Fourth and Fifth Circuits).

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